



**EMBARGO: FOR IMMEDIATE RELEASE**

**MEDIA STATEMENT BY THE SOUTH AFRICAN LAW REFORM COMMISSION  
CONCERNING ITS RELEASE OF DISCUSSION PAPER 123 ON STATUTORY LAW  
REVISION IN RESPECT OF LEGISLATION ADMINISTERED BY THE DEPARTMENT  
OF DEFENCE**

The South African Law Reform Commission (SALRC) hereby releases its Discussion Paper 123 on Project 25: Statutory law revision in respect of legislation administered by the Department of Defence for general information and comment. The discussion paper sets out the SALRC's preliminary recommendations for law reform regarding statutes administered by the Department of Defence.

In January 2003 Cabinet approved that the Minister of Justice and Constitutional Development co-ordinates and mandates the South African Law Reform Commission (SALRC) to review provisions in the legislative framework that may result in discrimination as defined by section 9 of the Constitution. This section prohibits unfair discrimination based on race, gender, sex, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. In 2004 the SALRC included in its law reform programme an investigation into the revision of the statute book to identify provisions that are redundant, obsolete or which infringe the equality provisions of the Constitution. The focus of the *statutory law revision* project at present is constitutionality of legislation in view of section 9 of the Constitution, and repeal of redundant and obsolete provisions. The methodology adopted in this investigation is to review the statute book by Department – the SALRC identifies a Department, reviews the national legislation administered by that Department for constitutionality and redundancy, sets out the preliminary findings and proposals in a consultation paper and consults with that Department to verify the SALRC's preliminary findings and proposals. The next step that

the SALRC undertakes is the development of a discussion paper in respect of the legislation of each Department, and upon its approval by the SALRC, it is published for general information and comment. Finally, the SALRC develops a report in respect of each Department that reflects the comment on the discussion paper and contains a draft Bill proposing amending legislation.

The SALRC has reviewed the 41 statutes which are administered by the Department of Defence and after careful and thorough analysis of these statutes, the SALRC proposes that:

- (i) The Acts set out in the Defence and Related Matters Laws Repeal and Amendment Bill, contained in Annexure A, be repealed as a whole for the reasons set out in Chapter 2 of the discussion paper;
- (ii) The Acts set out in Schedule 2 of the proposed Bill contained in Annexure A, be repealed to the extent set out in that Schedule, for the reasons set out in Chapter 2 of the discussion paper; and
- (iii) The provisions of Acts set out in Schedule 3 of the proposed Bill, found in the same Annexure referred to above, be amended for the reasons set out in Chapter 2 of the discussion paper.

On 14 May 2011 the SALRC considered and approved the publication of Discussion Paper 123. The SALRC invites comments and suggestions on Discussion Paper 123. The SALRC would appreciate receiving comment from stakeholders by 31 August 2011 at the following address:

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The South African Law Reform Commission was established by the South African Law Reform Commission Act 19 of 1973. It is an advisory body whose aim is the renewal and improvement of the law of South Africa on a continuous basis.

Discussion Paper 123 will be made available on the Internet at the following site: <http://www.justice.gov.za/salrc/dpapers.htm>. The discussion paper is also obtainable free of charge from the SALRC upon request (the contact person is Mr Jacob Kabini at (012) 392 9580).

**ISSUED BY THE SECRETARY: SA LAW REFORM COMMISSION**

**DATE: 27 May 2011**

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